

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RODERICK D. MOSLEY,

Plaintiff,

-against-

MUSIC TIMES, LLC,

Defendant.

1:25-cv-04015 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Plaintiff Mosley brings this action against Defendant Music Times LLC, invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332. Plaintiff alleges that he is a citizen of Georgia. *See* Dkt. 1 (“Complaint”) ¶ 19. He alleges that Defendant Music Times LLC (the “Defendant”) is a citizen of the State of New York. *See id.* ¶ 20. He specifically alleges that the Defendant is a limited liability company incorporated in New York with its principal place of business in New York, New York. *See id.* ¶ 17.


It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Altissima Ltd. v. One Niagara LLC*, No. 08-CV-756S(M), 2010 WL 3504798, at *2 (W.D.N.Y. Sept. 2, 2010) (noting that every other Court of Appeals to have considered LLC citizenship has held that an LLC has the citizenship of all of its members). Thus, a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs). *See Handelsman*, 213 F.3d at 51-52; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010). Additionally, a party’s citizenship, including the citizenship

of LLC members, “must be affirmatively pled.” *Prospect Funding Holdings, LLC v. Fennell*, No. 15-CV-4176 (LLS), 2015 WL 4477120, at *1 (S.D.N.Y. July 15, 2015); *see also Flemming v. Port Auth. of New York & New Jersey*, No. 21-CV-1112 (BMC), 2021 WL 878558, at *1 (E.D.N.Y. Mar. 9, 2021) (“It is not enough to allege, in conclusory fashion, that none of a[n] LLC[] [party’s] members are citizens of the same state as [the opposing party].”). In the present case, the Complaint fails to affirmatively plead the citizenship of each member of the Defendant.

Accordingly, it is hereby ORDERED that, on or before May 22, 2025, the Plaintiff shall amend his Complaint to affirmatively allege the citizenship of each constituent person or entity comprising the Defendant as well as the citizenship of all individual parties. If, by that date, the Plaintiff is unable to amend the Complaint to truthfully allege complete diversity of citizenship, then the Complaint will be dismissed for lack of subject matter jurisdiction without further notice to either party.

SO ORDERED.

Dated: May 15, 2025
New York, New York



JENNIFER L. ROCHON
United States District Judge